

Statement of The Hospital and Healthsystem Association of Pennsylvania

For the

Majority Policy Committee
Pennsylvania House of Representatives

Submitted by

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Harrisburg, Pennsylvania

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Good Morning. Chairman Causer, members of the committee, thank you for the opportunity to participate in this hearing on the impact of regulatory and administrative waivers issued during the COVID-19 pandemic. My name is Stephanie Watkins, vice president of state legislative advocacy for The Hospital and Healthsystem Association of Pennsylvania (HAP). HAP advocates for approximately 240 member organizations across the commonwealth, as well as for the patients and communities they serve.

As health care providers and practitioners worked around the clock to prepare for and respond to COVID-19, declarations at both the federal and state level permitted administrative agencies to take steps—including the waiver of regulations—to respond to the emergency. As we move into the second year of the pandemic, hospitals and health systems continue to be at the center of the response and have taken on a primary role in administering vaccines.

At the state level, the flexibilities used to respond to the emergency included the following:

- **Telehealth Advancements**—Allowing for telephonic visits in the event that a patient does not have the means to connect via video, paying for the service at the same rate that would be paid for a similar in-person visit, and continuing to allow for non-traditional telehealth platforms
- **Facility Licensure**—Allowing health care providers the ability to streamline the process to provide services in other health care facilities and sites that would not otherwise be considered part of a health care facility

- **Workforce**—Expanding provider licensing to increase patient access to care, allowing supervisory requirements—without changing scope—to be flexible so that hospitals can shift practitioners within a facility to meet patient needs, and permitting the provision of services through telehealth

When the emergency declaration ends, many regulatory waivers and administrative flexibilities that consumers and health care providers have relied on will abruptly end, raising two significant concerns.

The first concern is that the virus remains a threat, and failing to maintain the current waivers and flexibilities will make it more difficult for the health care community to respond effectively and efficiently.

The second is that consumers are now accustomed to these flexibilities—especially relating to telehealth—and the progress and momentum in this area and others will be squandered if they are allowed to lapse.

HAP strongly believes that any return to pre-COVID practices should be made with caution and deliberation to avoid confusion and maintain a seamless transition, and that the General Assembly should take the necessary steps to consider what waivers are beneficial and should be maintained indefinitely. To that end, we support a legislative proposal, House Bill 1011, sponsored by Representative Chris Quinn that includes the following elements:

- Any waivers or administrative flexibilities afforded to health care facilities or practitioners for the purpose of providing care will remain in place for one year
- Prior to the end of that one year period, the Joint State Government Commission shall prepare a report with the input of the health care community with recommendations on what waivers/flexibilities should remain in place permanently (e.g., telehealth)
- Any waivers or administrative flexibilities adopted shall not be in violation of federal law or disqualify the commonwealth from receiving federal matching funds for Medicaid services

As the health care community contemplates delivering services in a way that can meet the demands of the “new normal,” keeping flexibilities in place for an appropriate period allows us to seize the opportunity to retain those flexibilities and innovations that have proven effective and have enhanced Pennsylvania’s health care delivery system.

We believe we are presented with a unique opportunity to remain prepared to meet the challenges of the moment, while evaluating the best tools for improved delivery of health care to Pennsylvanians in the future.

Thank you for the opportunity to share the hospital community’s COVID-19 waiver experience with the committee.